

ORIGINAL

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 FILED
 HARRISBURG, PA

MAR 19 2001

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KONSTANTIN PROFATILO and
 DORA PROFATILO, his wife,
 Plaintiffs,

vs.

THE MILTON S. HERSHEY MEDICAL
 CENTER, PETER MUCHA, JR., M.D.,
 MICHAEL C. BURNETT, M.D., and
 KYM A. SALNESS, M.D.,
 Defendants

NO. 1:CV 00-0633

JUDGE:
 WILLIAM W. CALDWELL, SR.

JURY TRIAL DEMANDED

MOTION TO EXTEND DEADLINES

AND NOW, comes the Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife, by and through their attorney, Lewis H. Markowitz, Esquire, and the law firm of Markowitz & Markowitz, P.C., and file this Motion to Extend Deadlines.

1. Plaintiffs commenced this action on or about April 7, 2000, by filing their Complaint, seeking damages for medical negligence and an EMTALA violation.
2. The crux of the Plaintiffs' Complaint against Defendants is the alleged failure of Defendant, Hershey Medical Center, to abide by the terms of EMTALA, through its agents, and Defendants alleged failure to provide appropriate medical exams and treatments as would be necessary to stabilize Plaintiff, Konstantin Profatilo's, condition, and Defendants' negligence in rendering medical care and treatment to Plaintiff who had been brought to Defendant Hospital for treatment for serious injuries as a result of being struck by a motor vehicle.

3. This case first appeared on a Jury Trial List by a Court Order, dated on or about July 27, 2000, for the June 2001 trial list in Harrisburg, Pennsylvania.

4. This case has not been previously continued by Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife.

5. That in said Court Order, the Honorable William W. Caldwell, in connection with the case management conference in the present matter, set deadlines for discovery to be completed and for motions to be filed, among other things.

6. That on or about December 4, 2000, Lewis H. Markowitz, Esquire, counsel for the Plaintiffs in the present matter, was hospitalized with severe heart problems, and subsequently underwent major heart surgery.

7. That Attorney Markowitz was in the intensive care unit for a period of weeks after the surgery, and as of the date of this Motion, is still in a period of recuperation as a patient at Health South Rehabilitation Center in York, Pennsylvania.

8. That Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife, request that the deadline, set out in the Court Order dated July 27, 2000, which states that discovery shall be completed by April 2, 2001, be extended from the date in said Court Order for a period of five (5) months, or more specifically, until September 5, 2001, which will account for the period of time in which Attorney Markowitz was unable to work on the present matter due to the undergoing of major heart surgery and subsequent rehabilitation.

9. That Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife, request that the deadline, set out in the Court Order dated July 27, 2000, which states that the parties

shall identify any expert witnesses and Plaintiffs shall provide a report by February 1, 2001, be extended from the date in said Court Order for a period of five (5) months, or more specifically, until July 1, 2001, which will account for the period of time in which Attorney Markowitz was unable to work on the present matter due to the undergoing of major heart surgery and subsequent rehabilitation.

10. That Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife, request that the deadline, set out in the Court Order dated July 27, 2000, which states that any supplementations of expert witness reports are due by April 30, 2001, be extended from the date in said Court Order for a period of five (5) months, or more specifically, until September 30, 2001, which will account for the period of time in which Attorney Markowitz was unable to work on the present matter due to the undergoing of major heart surgery and subsequent rehabilitation.

11. That Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife, request that the deadline, set out in the Court Order dated July 27, 2000, which states that all pre-trial motions shall be filed by April 2, 2001, be extended from the date in said Court Order for a period of five (5) months, or more specifically, until September 2, 2001, which will account for the period of time in which Attorney Markowitz was unable to work on the present matter due to the undergoing of major heart surgery and subsequent rehabilitation.

12. That Plaintiffs, Konstantin Profatilo and Dora Profatilo, his wife, request that the date of trial, set out in the Court Order dated July 27, 2000, which states the present

matter shall be placed on the June, 2001, trial list, be extended from the date in said Court Order for a period of five (5) months, or more specifically, until the November trial term, which will account for the period of time in which Attorney Markowitz was unable to work on the present matter due to the undergoing of major heart surgery and subsequent rehabilitation.

13. That Randall G. Gale, Esquire, counsel for Defendants, was previously notified and made aware that the Plaintiffs intended to file the within Motion to Extend Deadlines, and Attorney Gale has concurred with the within Motion.

14. That because of the concurrence of the within Motion by Attorney Gale, and the fact that the within Motion will be unopposed by Attorney Gale, counsel for Plaintiffs requests that it be excused from filing a brief in support of the within Motion.

WHEREFORE, Lewis H. Markowitz, Esquire, counsel for the Plaintiffs, moves this Honorable Court to extend all of the deadlines for discovery, motions, etc., set out in the Court Order dated July 27, 2000, for a period of five (5) months, as outlined above, to reflect the period of time in which Attorney Markowitz was unable to work on Plaintiff's cause of action due to the severe heart problems in which he suffered from, and due to the heart surgery, and subsequent rehabilitation, in which Attorney Markowitz had to undergo.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel F. Wolfson", written in dark ink.

Daniel F. Wolfson, Esquire for
Lewis H. Markowitz, Esquire
WOLFSON & ASSOCIATES, P.C.
267 East Market Street
York, PA 17403
(717) 846-1252
I.D. No. 20617
Attorney for Plaintiffs

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NO. 1:CV 00-0633

JUDGE:
WILLIAM W. CALDWELL, SR.

JURY TRIAL DEMANDED

CERTIFICATE OF CONCURRENCE

NOW, this 16th day of March, 2001, I, Daniel F. Wolfson, Esquire, do hereby
certify that I have spoken with Randall G. Gale, Esquire, concerning the within Motion, and
that he expressed his concurrence with the within Motion, and that he would not oppose
Lewis H. Markowitz, Esquire, in the filing of the within Motion.



Daniel F. Wolfson, Esquire for
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Attorney for Plaintiffs

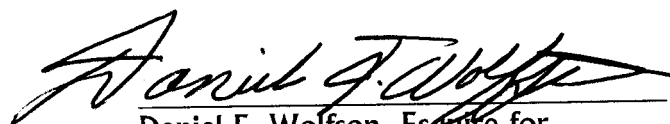
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DORA PROFATILO, his wife,	:	
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	:	
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	:	WILLIAM W. CALDWELL, SR.
THE MILTON S. HERSHEY MEDICAL	:	
CENTER, PETER MUCHA, JR., M.D.,	:	
MICHAEL C. BURNETT, M.D., and	:	
KYM A. SALNESS, M.D.,	:	JURY TRIAL DEMANDED
Defendants	:	

CERTIFICATE OF SERVICE

NOW, this 16th day of March, 2001, I, Daniel F. Wolfson, Esquire, do hereby
certify that I have served a copy of the foregoing Motion to Extend Deadlines upon the
parties and counsel of record by regular mail, postage pre-paid and addressed as follows:

Randall G. Gale, Esquire
Thomas, Thomas & Hafer, LLP
305 North Front Street, 6th Floor
P.O. Box 999
Harrisburg, PA 17108
Attorney for Defendants



Daniel F. Wolfson, Esquire for
Lewis H. Markowitz, Esquire
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Attorney for Plaintiffs